

HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 876 of 2006

Ajay Chaudhari s/o Styapal Singh
335/2-29, Civil Lines, Roorkee

..... Applicant

Versus

1. State of Uttaranchal
2. Rajeev gar @ Raju s/o Sri Narendra Kumar Garg,
Village Imli Kheda, P.S. Bhagwanpur, Haridwar
..... Respondents

Dated: 11.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Kamlesh Tiwari holding the brief of Sri Pankaj Miglani counsel for the petitioner and A.G.A. for the State.

By the present application under section 482 Cr.P.C. the applicant has prayed for quashing the order dated 4.8.2006 passed by the District and Sessions Judge, Haridwar in Criminal Transfer Application No. 44 of 2006.

The District & Sessions Judge vide impugned order dated 4.8.2006 has directed that since no presiding officer is posted in the 3rd Fast Track Court, therefore, Sessions Trial No. 253 of 2003, State vs. Rajeev Garg under section 307, 504 I.P.C. be transferred to the court of District and Sessions Judge, Haridwar. I find no ground to interfere in the order.

However, remedy lies to the applicant to approach under section 407 Cr.P.C. to the High Court for transfer of the case,

and the application under section 482 Cr.P.C. is not maintainable.

The application under section 482 is, therefore, dismissed on the ground of alternative remedy.

Dated: 11.12.2006

Rajesh Tandon, J.

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